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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,980	07/29/2003	Jakob Blattner	390-011420-US(PAR)	7154

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EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,980	Applicant(s) BLATTNER ET AL.	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-28 is/are pending in the application.
- 4a) Of the above claim(s) 8, 10-12, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9, 13-18 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

This application contains claims 8,10-12, and 19-20 drawn to an invention nonelected with traverse in the response received 5/5/06. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

Figures 3 & 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7,9,13-18,21-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims in general are vague and unclear and seem to be trying to place method limitations into apparatus claims, which is improper. A few examples are:

In claim 1, it is unclear what is being referred to in lines 3 & 4 by "which" and line 10 by "is hereby". For sake of examination it is assumed applicant was referring to the reticle handling device. Further wording such as "by means of which" and "can be connected" is vague and leaves it unclear what is actually being positively claimed and what item is being referred to.

In claim 3, it is unclear what is being referred by "an input/output station" in line 3. Claim 1 already states in line 6 "an input/output station". For sake of examination it is assumed they are meant to be the same item. Wording such as "each time" seems to indicate a method step. Also it is unclear what "a basic grid size" entails.

In claim 9, language such as "selectable" is unclear since it is not defined how and in what fashion the modules are "selectable". Furthermore it is not clear whether the limitation "different interchangeable modules" is being positively recited.

Applicant should review all the claims for similar issues.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-7,9,13-17,24-26,28 are rejected under 35 U.S.C. 102(e) as being anticipated by Foulke (US 6,690,993).

Re claim 1, Foulke teaches a reticle manipulating device (10,120/115) with a substantially closed housing (12,etc.) for maintaining clean room conditions and several functional units (32a-d,18,14,16,70,28,121-124,etc.) connectable to the reticle manipulating device, a first functional unit being an input/output station (32a-d,128 or 118), a manipulating device (18,etc.) inside the housing; a detachable interface with mechanical and electrical parts for the functional unit and reticle manipulating device connection (inherent from figures 1,6,7,15,16).

Re claim 3, Foulke teaches an input/output station (32a-d,128 or 118), in which several input/output units (32a-d,128,16 or 118) can be mounted in a detachable manner, wherein a height of at least several of the input/output units corresponds each time to a whole-number multiple of a basic grid size.

Re claim 4, Foulke teaches a system with at least one second functional unit (32a-d,18,14,16,70,28,121-124,etc.) that is different and can be exchanged with the first functional unit.

Re claim 5, Foulke teaches functional units (32a-d,18,14,16,70,28,121-124,etc.) with different types of function.

Re claim 6, Foulke teaches several functional units (32a-d,18,14,16,70,28,121-124,etc.) with the same type of function.

Re claim 7, Foulke teaches a stocking unit functional device 16 for reticles 38.

Re claim 9, Foulke teaches a reticle manipulating device (10,120/115) with a substantially closed housing (12,etc.) for maintaining clean room conditions and several interchangeable functional units (32a-d,18,14,16,70,28,121-124,etc.) connectable to the reticle manipulating device, a first functional unit being an input/output station (32a-d,128 or 118), a manipulating device (18,etc.) inside the housing.

Re claim 13, Foulke teaches a cleaning module 98 that uses electromagnetic radiation based cleaning.

Re claim 14, Foulke teaches the housing is capable of holding an inert gas or pressurized gas atmosphere.

Re claim 15, Foulke teaches a contamination sensor 96.

Re claim 16, Foulke teaches a camera 77,79.

Re claim 17, Foulke teaches a reader 77.

Re claim 24, Foulke teaches a preconditioning module 98,28.

Re claim 25, Foulke teaches a module 98,28 for gathering particles from a reticle.

Re claim 26, Foulke teaches a module 16,32a-d, for buffering reticles.

Re claim 28, Foulke teaches a module 16,18,32a-d, for mounting and demounting reticles.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foulke (US 6,690,993) in view of Somekh (US 6,900,35).

Re claim 18, Foulke does not teach a flatness sensor. Somekh teaches a reticle flatness sensor (columns 1-2) to increase production. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Foulk by Somekh to have a reticle flatness sensor to increase production.

Claims 21-25,27,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foulke (US 6,690,993).

Re claim 21, Foulke does not limit the type of reticles and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have any type of reticle in order to make the system more useful.

Re claims 22-25,27,28, (although it is believed Foulke teaches all claimed controls and sensors of claims 24,25, and 28 as noted in the above rejections, the unclear wording of the claims requires that the claim language be read in different ways), Foulke teaches a computer control system with historical logs and various sensors 77-79,96-98 for keeping the system working properly (columns 7-8, figures 6,7,16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Foulke to use any type of useful controls in order to keep the system working properly.

Conclusion

Applicant's arguments filed 12/27/05 have been fully considered but they are not persuasive.

Applicant argued that there is nothing confusing or unclear regarding claims 9 & 22. Firstly, it is pointed out that claim 1 as well as all the other claims should be review since there are still indefinite limitations there. Regarding claim 9, the term "selectable" is indefinite in that it is unclear whether applicant just means that one out of a group of modules are capable of being attached or whether the tool is capable of choosing a module out of a group of modules, etc. Regarding claim 22, applicant argued that the structure of the component parts are being defined. Therefore, it is interpreted that that only a processor for the module is being claimed and the rest is merely intended use.

Applicant argued that Foulke does not teach a detachable interface with mechanical and electrical parts for the functional unit and reticle manipulating device connection. Applicant focuses on item 32, but it should be pointed out that the rejection does not state item 32 is the only item that meets the limitation. Nonetheless, applicant argued that Foulke does not disclose anything about item 32. However, Foulke does teach item 32 in figures 1,6,7,15 & 16 as well as in columns 7-12. There are inherently various power and communication lines to and from item 32 in the interface such as wires and cables that are both electrical and mechanical in nature and certainly detachably mounted. Furthermore the robot 18 and other equipment that goes between the "main" device and item 32, detachably connects with item 32 and has mechanical

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and electrical (controls) connections itself. Also, it should be pointed out that the claim does not require a connection, rather it only requires that an item such as item 32 could be connected in some fashion to the housing.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the positive connection to the device being required) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argued that Foulke does not teach a height of one input/output unit being a whole-number multiple of another height of another input/output unit. But later applicant states that the various items 32a-d are identical. If that is the case that the items 32a-d are identical, then they meet the claim in that they are a whole-number multiple of one of each other's height. Also, applicant does not state what the height actual is measuring. Certainly various different heights on the units could be found that are whole-number multiples of each other. Furthermore, Foulke teaches pods measured in heights of one and six reticles (plus other numbers possible). One and six are whole numbers.

Applicant argued that Foulke does not teach a processing module removably connectable to the housing from a number of different interchangeable modules. Again applicant focuses on items 16 and 32, but the actual rejection does not limit the items that read on the limitations to just these two. Applicant argued that items 16 and 32 are

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identical and perhaps not removably connectable. Items 16 and 32 are certainly capable of being detachably connectable, which is all that the claim requires of the connection. Items 16 and 32 are different from each other at least. The claim does not require that each item 16 or 32 be different from all other item 16's or 32's. Column 11, lines 57-59, state that the pod sizes may vary and that would cause the items 32a-d to be non-identical in that they could not be handled identically by at least the control system of the reticle manipulating device.

Applicant argued that the examiner should not ignore the "selectable for connection to the housing...each having a different predetermined characteristic" language of claim 9. This limitation has not been ignored. It has been addressed in terms of indefiniteness and in view of Foulke. Certainly Foulke teaches selecting a module, either by the control system, robot or operator and the modules having a different predetermined, such as items 16 and 32 being different from one another, or the items 32 having different sized pods, etc.

Applicant argued that Foulke does not teach the module having a processor with various types of programming. Foulke does have this as clearly shown in figures 6,7,15 & 16 and the associated parts of the specification for these figures. Furthermore, the types of programming is merely intended use and Foulke's processor has the structure capable of performing the intended use.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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